

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
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4 Eric Christian,
5 Petitioner
6 v.
7 United States of America,
8 Respondent
9

2:17-cv-00075-JAD-VCF

Order Dismissing and Closing Case
and Denying Pending Motions

[ECF Nos. 2, 4]

10 On February 13, 2017, I ordered Christian—who had submitted only a habeas petition—to
11 submit a completed application for leave to proceed *in forma pauperis* with all attachments or pay
12 the \$5 filing fee by March 13, 2017.¹ I expressly warned Christian that failure to comply with that
13 order would result in dismissal without further notice.

14 Christian responded with a “motion” for leave to proceed *in forma pauperis* rather than a
15 properly completed application on this court’s approved form, and he did not attach supporting
16 documents. Christian represents that he was granted IFP status for his appeal in his criminal case,
17 case no. 2:09-cr-00303-RFB-VCF. That Christian has previously been granted IFP status in another
18 case does not excuse him from his obligation to submit a properly completed IFP application with
19 supporting documentation in this one. Additionally, though the judge in Christian’s criminal case
20 granted IFP status, that motion, too, is deficient and does not contain the necessary information and
21 documentation.² Thus, even if I reference that motion, I am unable to glean the necessary
22 information to determine whether Christian can pay the \$5 filing fee for this habeas action.

23 Because Christian has not paid the filing fee or submitted a completed application for leave
24 to proceed *in forma pauperis*, this action has not been properly commenced. I therefore dismiss this
25 action without prejudice. And, because reasonable jurists would not find my dismissal of this case
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27 _____
28 ¹ ECF No. 3.

² The motion in that case, like in this one, is not on the court’s approved form and it contains no supporting documentation.

1 based on Christian's failure to pay the filing fee or submit an IFP application debatable or wrong, I
2 decline to issue a Certificate of Appealability.

3 Accordingly, IT IS HEREBY ORDERED that Christian's motion for leave to proceed in
4 forma pauperis [ECF No. 4] is **DENIED**. This action is **DISMISSED without prejudice** to
5 Christian's ability to file a habeas petition and pay the filing fee or submit a completed application to
6 proceed *in forma pauperis* in a new action. Christian is cautioned that any further filings in this case
7 will be summarily denied.

8 IT IS FURTHER ORDERED that Christian's motion to amend [ECF No. 2] is **DENIED** as
9 moot.

10 IT IS FURTHER ORDERED that a **Certificate of Appealability is DENIED**.

11 The Clerk of Court is directed to SEND to Christian a copy of this court's approved inmate *in*
12 *forma pauperis* form with instructions and to CLOSE THIS CASE.

13 Dated this 5th day of April, 2017.

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15 Jennifer A. Dorsey
16 United States District Judge
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